

REMARKS

The Examiner objected to the drawings under 37 CFR 1.83(a). In relation to said objection to the drawings, Applicant have included herewith, in Appendix A, a copy of FIGS. 1-21 in black and white. FIGS. 1-21 in black and white, in Appendix A, are not replacement sheets for the drawings. See discussion *infra* in the "Drawings Objections" section.

The Examiner objected to the specification.

The Examiner objected to claim 37.

The Examiner objected to claims 27-31 and 42 as being dependent upon a rejected claim, but would be allowable if rewritten in independent for including all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges the Examiner's indication of allowable subject matter.

The Examiner rejected claims 1-25 and 55 under 35 U.S.C. §101.

The Examiner rejected claim 27 under 35 U.S.C. §112, second paragraph.

The Examiner rejected claims 3 and 28, 7 and 32, 26, and 48 under statutory double patenting.

The Examiner rejected claims 1, 7-8, 13-15, 18, 26, 32-33, 38-41, 44, and 46-47 under 35 U.S.C. §102(b) as allegedly being anticipated by Microsoft Corporation, copyright 1999, Microsoft Excel, referred as Excel, screenshots, pages 1-8.

The Examiner rejected claims 17, 19, 43 and 45 under 35 U.S.C. §103(a) as allegedly being unpatentable over Excel as applied to claims 1 and 26 above and further in view of Polili, Conferencing Software Available for Windows, InfoWorld, Feb 7, 1994, vol 16, iss 6, pg. 44, 1 pg, printed from ProQuest as pages 1-2.

The Examiner rejected claims 20, 22-24, 48 and 50-54 under 35 U.S.C. §103(a) as allegedly being unpatentable over Microsoft Corporation, copyright 1999, Microsoft Excel, referred as Excel, screenshots, pages 1-12 in view of Belzberg (US Pat No. 6,134,535).

The Examiner rejected claims 21 and 49 under 35 U.S.C. §103(a) as allegedly being unpatentable over Excel in view of Belzberg as applied to claim 48 above, and further in view of Business Editors & High Tech Writers, Belzberg Technologies Inc. Awarded US Patent for Spreadsheet Trading Technology, Business Wire, Oct 20, 2000, page 1, printed from ProQuest as pages 1-2.

The Examiner rejected claims 9-12, 16 and 34-37 under 35 U.S.C. §103(a) as allegedly being unpatentable over Excel as applied to claims 1 and 26 above, and further in view of Khan et al. (US Pat. No. 6,157,934).

The Examiner rejected claims 55-56 under 35 U.S.C. §103(a) as allegedly being unpatentable over Microsoft Corporation, copyright 1999, Microsoft Excel, referred as Excel, screenshots, pages 1-6 in view of Khan et al. (US Pat. No. 6,157,934).

Applicant respectfully traverses the drawings objections, specification objections, claim objection, and the double patenting, §101, §112, §102 and §103 rejections with the following arguments.

Drawings Objections

The Examiner objected to the drawings under 37 CFR 1.83(a), alleging that FIGS. 7-17 “are too dark, and so fail to show contents as described in the specification.”

In response, Applicant notes that Applicant originally filed colored drawings and also filed a petition to allow color drawings under 37 CFR §1.84(a)(2). In a telephone discussion on 02/11/2005, Examiner Cong-Lac Huynh and Applicant’s Representative Jack P. Friedman agreed that as an acceptable response to the drawings objections, Applicant will include in the present office action response, an Appendix A comprising a copy of FIGS. 7-17 in black and white in order to make it easier for the Examiner to read the drawings during prosecution of the present patent application. As a courtesy to the Examiner, Applicant is also including herewith FIGS. 1-6 and 18-21 in black and white. Accordingly, Appendix A in the present office action response includes a copy of FIGS. 1-21 in black and white. FIGS. 1-21 in black and white, in Appendix A, are for the convenience of the Examiner and are not replacement sheets for the drawings.

Specification Objections

The Examiner objected to the specification, alleging that “the referred number “31” within “the highlighting of the top two rows 31 in figure 8 discussed supra” (specification, page 13, lines 7-9) is not consistent with the two rows **28** as seen in figure 8”. In response, Applicant has amended the specification to clarify the invention.

The Examiner objected to the specification, alleging that “the referred number “29” within “In FIG. 12, the top row **29** of the Search drawer 24 ... applies to the highlighting of the top row **29** of the Search drawer 24 in FIG. 12” (specification, page 16, lines 5-9) is not consistent with figure 12 since the Search drawer does not has the top row 29, and the top row 29 is included in the Alert drawer, not the Search drawer”. In response, Applicant has amended the specification to clarify the invention.

Claim Objection

The Examiner objected to claim 37, alleging that “[c]laim 37 is objected to because of the following informalities: the phrase "in accordance with the sort key" (lines 3-4) is redundant. ”

In response, Applicant respectfully contends that the phrase "in accordance with the sort key" (lines 3-4) is not redundant.

The phrase "in accordance with the sort key" appearing in line 3 (“sorting in accordance with the sort key each remaining drawer of the N additional drawers”) identifies the sort key is used to perform the sorting of each remaining drawer of the N drawers.

The phrase "in accordance with the sort key" appearing in line 4 (“each remaining drawer of the N additional drawers that is sortable in accordance with the sort key”) serves as a limitation on which remaining drawers of the N drawers are being sorted.

Accordingly, Applicant respectfully contends that the objection to claim 37 is improper and should be withdrawn.

35 U.S.C. §101

The Examiner rejected claims 1-25 and 55 under 35 U.S.C. §101, alleging that the claimed invention is directed to non-statutory subject matter.

The Examiner argues: “The data display structure as in the claims 1-2, 20, 55 is not embodied in a computer readable medium, and thus, is merely a descriptive data without functionality. ”

In response, Applicant directs attention to the following feature of independent claims 1, 20, and 55: “a main drawer D_0 that overlays a display screen”. Applicant asserts that the preceding feature is not data but is rather a structural feature. To illustrate, consider the following hypothetical structural feature which would not raise any 35 U.S.C. §101 issues: “a photolithographic mask that overlays a surface of a semiconductor substrate”. The photolithographic mask is an object that overlays a surface, namely the surface of a semiconductor substrate. Similarly in claims 1, 20, and 55, the main drawer D_0 is an object that overlays a surface, namely a display screen. The main drawer D_0 is not being claimed as data but is rather being claimed as an object capable of being physically manipulated (e.g., being opened or closed). Although the main drawer D_0 is adapted to display data, the preceding feature of claims 1, 20, and 55 is not the displayed data, but rather is a physically manipulatable object.

As another illustration, if the main drawer and the additional drawers of claims 1, 20, and 55 were drawers of a piece of furniture (e.g., a desk or dresser) and capable of being opened or closed, there would not be a 35 U.S.C. §101 issue. Applicant maintains that the main drawer and additional drawers of claims 1, 20, and 55 are analogous to the drawers of a piece of furniture and are similarly not unpatentable under 35 U.S.C. §101. Both types of drawers are visible to a

user, and may be opened or closed by the user. In any event, the drawers of claims 1, 20, and 55 are most certainly not descriptive data as alleged by the Examiner..

Accordingly, Applicant respectfully contends that the Examiner's argument (i.e., "[t]he data display structure ... is merely a descriptive data") is not persuasive.

The Examiner argues; "the claimed drawers included in the data display structure, which are "*adapted to* being opened or to being closed", show that they are not actually the functional elements but instead are merely the display structure *intended to have the open function or the close function*. Therefore, the claimed data display structure is not functional, and thus is not statutory."

In response, Applicant contends that the "adapted to" phrase is a claim construction issue and not a statutory issue. Applicant notes that there are thousands of issued patent having claims which similarly include the "adapted to" phrase.

Based on the preceding arguments, Applicant respectfully contends that claims 1-25 and 55 are not unpatentable under 35 U.S.C. §101. Accordingly, the rejection of claims 1-25 and 55 under 35 U.S.C. §101 should be withdrawn.

35 U.S.C. §112, Second Paragraph

The Examiner rejected claim 27 under 35 U.S.C. §112, second paragraph, alleging that “it is confusing why there should be two tabs, tab T_i associated with each drawer D_i where $i = 1, 2, \dots, N$ and tab T_k associated with drawer D_k where $k = 1, 2, \dots, N$, where it appears that the two tabs as claimed are the same.”

In response, Applicant notes that the distinct indexes “i” and “k” are dummy indexes which are being used properly in a manner that is conventional in mathematics and computer programming and is not confusing to a person of ordinary skill in the art. While the index “k” could be changed to “i” in claim 27, Applicant considers the present distinction between “k” and “i” to add clarity to claim 27 for the following reason.

The phrase “each drawer D_i ($i=1, 2, \dots, N$) includes a tab ...” recites that all N drawers includes a tab

The phrase “dragging tab T_k of drawer D_k ..., wherein k is one of $k=1, 2, \dots, N$ ” recites that only a single drawer D_k is being so dragged.

Therefore, having the distinct indexes “i” and “k” makes it easier to understand the meaning of claim 27.

Double Patenting

The Examiner rejected claims 3 and 28, 7 and 32, 26, and 48 under statutory double patenting.

Claims 3 and 28

The Examiner argues: "Claims 3 and 28 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 4 and 29 since the feature that a row of data of the main drawer "is highlighted" means that the row of data of the main drawer is highlighted in black, which is a color, and thus, is not different from the fact that a row of data of the main drawer "is highlighted in color." ”.

In response, Applicant notes that "black" is narrower than "color". For example, "color" may include "green" which is outside the scope of "black". Therefore, the Examiner's argument is not persuasive.

Based on the preceding argument, Applicant respectfully contends that the double patenting rejection of claims 3 and 28 is improper and should be withdrawn.

Claims 7 and 32

The Examiner argues: "Claims 7 and 32 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 8 and 33 since the feature that a row of data of the main drawer "is highlighted" means that the row of data of the main drawer is highlighted in black, which is a color, and thus, is not different from the fact that a row of data of the main drawer "is highlighted in color." ”.

In response, Applicant notes that “black” is narrower than “color”. For example, “color” may include “green” which is outside the scope of “black”. Therefore, the Examiner’s argument is not persuasive.

Based on the preceding argument, Applicant respectfully contends that the double patenting rejection of claims 7 and 32 is improper and should be withdrawn.

Claim 26

The Examiner argues: “Claim 26 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 47.”

In response, Applicant notes that claim 47 recites a method step of “opening or closing drawer D_i , wherein i is one of 1, 2, ..., and N ”, which is not recited in claim 26. In claim 26, the recitation of “wherein each drawer D_i ($i=1, 2, \dots, N$) is adapted to being opened or to being closed” is not a method step. Therefore, claim 26 is not a substantial duplicate of claim 47.

Based on the preceding argument, Applicant respectfully contends that the double patenting rejection of claim 26 is improper and should be withdrawn.

Claim 48

The Examiner argues: “Claim 48 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 54.”

In response, Applicant notes that claim 54 recites a method step of “opening or closing drawer D_i , wherein i is one of 1, 2, ..., and N ”, which is not recited in claim 48. In claim 48, the recitation of “wherein each drawer D_i ($i=1, 2, \dots, N$) is adapted to being opened or to being

closed” is not a method step. Therefore, claim 48 is not a substantial duplicate of claim 54.

Based on the preceding argument, Applicant respectfully contends that the double patenting rejection of claim 48 is improper and should be withdrawn.

35 U.S.C. §102(b)

The Examiner rejected claims 1, 7-8, 13-15, 18, 26, 32-33, 38-41, 44, and 46-47 under 35 U.S.C. §102(b) as allegedly being anticipated by Microsoft Corporation, copyright 1999, Microsoft Excel, referred as “Excel, screenshots, pages 1-8”.

Applicant respectfully contends that “Excel, screenshots, pages 1-8” does not anticipate claims 1, 26, and 46-47, because “Excel, screenshots, pages 1-8” does not teach each and every feature of claims 1, 26, and 46-47.

As a first example of why “Excel, screenshots, pages 1-8” does not teach each and every feature of claims 1, 26, and 46-47, “Excel, screenshots, pages 1-8” does not teach the feature: “a main drawer D_0 that overlays a display screen, ...; and N additional drawers D_1, D_2, \dots, D_N on the display screen along with D_0 in an overlay pattern $\{D_1, D_2, \dots, D_N\}$ relative to D_0 , wherein N is at least 2”.

The Examiner argues that “Excel, screenshots, pages 1-8” discloses the preceding feature of claims 1, 26, and 46-47. In particular, the Examiner argues that “Excel, screenshots, pages 1-8” discloses: “overlying a main drawer D_0 on a display screen (page 2: overlying Book2 on a display screen) ... [and] ... pages 3-6: the two spreadsheets PriorArts and Abbreviation considered as the additional drawers being positioned in an overlay pattern”.

In response, Applicant cites Applicant’s specification for the meaning of “an overlay pattern $\{D_1, D_2, \dots, D_N\}$ relative to D_0 ” in claims 1, 26, and 46-47. In particular, Applicant’s specification, page 2, lines 16-20 recites: “The drawers D_1, D_2, \dots, D_N are in an overlay pattern $\{D_1, D_2, \dots, D_N\}$ relative to D_0 , which means that D_1 conditionally overlays D_0 , D_2 conditionally

overlays $D_1, \dots, \text{and } D_N$ conditionally overlays D_{N-1} . Generally, each drawer D_i conditionally overlays D_{i-1} for $i=1, 2, \dots, N$, which means that D_i is over (i.e., above or on top of), D_{i-1} whenever D_i and D_{i-1} each overlay a same portion of the display screen 16.” Thus, the meaning of “an overlay pattern $\{D_1, D_2, \dots, D_N\}$ relative to D_0 ” requires that the main draw D_0 and the additional drawers D_1, D_2, \dots, D_N appear together on the display screen in accordance with an overlay pattern.

In light of the preceding meaning of “an overlay pattern $\{D_1, D_2, \dots, D_N\}$ relative to D_0 ”, and in consideration of the limitation of “N is at least 2” in claims 1, 26, and 46-47, Applicants contend that “Excel, screenshots, pages 1-8” does not teach at least 2 additional drawers in an overlay pattern relative to the main drawer. The Examiner argues that in “Excel, screenshots, pages 1-8”, Book2 on page 2 is the main drawer and the two spreadsheets PriorArts and Abbreviation on pages 3-6 are two additional drawers. However, PriorArts and Abbreviation are not in an overlay pattern relative to Book2, as required by claims 1, 26, and 46-47. Indeed, there is no disclosure in “Excel, screenshots, pages 1-8” that said “overlay” relationship exists between the alleged two additional drawers PriorArts and Abbreviation and the alleged main drawer Book2. Furthermore, “Excel, screenshots, pages 1-8” does not disclose more than two spreadsheets appearing together on the display screen, whereas claims 1, 26, and 46-47 require at least 3 drawers (a main drawer and at least 2 additional drawers) appearing together on the display screen (in an overlay pattern).

As a second example of why “Excel, screenshots, pages 1-8” does not teach each and every feature of claims 1, 26, and 46-47, “Excel, screenshots, pages 1-8” does not teach the

feature: “wherein selection of button B_m causes the Search drawer to dynamically display S_m in spreadsheet format, and wherein m is one of 1, 2, ..., M ”.

The Examiner argues that “Excel, screenshots, pages 1-8” teaches: “opening and closing drawer D_i wherein i is one of 1, 2, ..., N (pages 3-6: the files PriorArts and Abbreviation as disclosed in spreadsheet format are considered as drawers adapted to being opened or being closed when clicking on the PriorArts button or Abbreviation button for opening and clicking on the X button on the up right corner of each drawer for closing)”.

In response, Applicant contends that the example used by the Examiner’s preceding argument is outside the scope of the preceding feature of claims 1, 26, and 46-47, at least because the buttons being clicked result in modifying only the window that the buttons belong to. Thus, “Excel, screenshots, pages 1-8” does not teach that selection of a button of the Alerts drawer causes a display of content in the Search drawer, wherein the displayed content in the Search drawer is a subset of the data feed that is associated with the button of the Alerts drawer.

Based on the preceding arguments, Applicant respectfully maintains that “Excel, screenshots, pages 1-8” does not anticipate claims 1, 26, and 46-47, and that claims 1, 26, and 46-47 are in condition for allowance. Since claims 7-8, 13-15 and 18 depend from claim 1, Applicants contend that claims 7-8, 13-15 and 18 are likewise in condition for allowance. Since claims 32-33, 38-41 and 44 depend from claim 26, Applicants contend that claims 32-33, 38-41 and 44 are likewise in condition for allowance.

35 U.S.C. §103(a)

Claims 17, 19, 43 and 45

The Examiner rejected claims 17, 19, 43 and 45 under 35 U.S.C. §103(a) as allegedly being unpatentable over “Excel, screenshots, pages 1-8” and further in view of Polili, Conferencing Software Available for Windows, InfoWorld, Feb 7, 1994, vol 16, iss 6, pg. 44, 1 pg, printed from ProQuest as pages 1-2.

Since claims 17 and 19 depend from claim 1, which Applicant has argued *supra* to not be unpatentable over “Excel, screenshots, pages 1-8” under 35 U.S.C. §102(b), Applicant maintains that claims 17 and 19 are likewise not unpatentable over “Excel, screenshots, pages 1-8” in view of Polili, Conferencing Software Available for Windows, InfoWorld, Feb 7, 1994, vol 16, iss 6, pg. 44, 1 pg, printed from ProQuest as pages 1-2 under 35 U.S.C. §103(a).

Since claims 43 and 45 depend from claim 26, which Applicant has argued *supra* to not be unpatentable over “Excel, screenshots, pages 1-8” under 35 U.S.C. §102(b), Applicant maintains that claims 43 and 45 are likewise not unpatentable over “Excel, screenshots, pages 1-8” in view of Polili, Conferencing Software Available for Windows, InfoWorld, Feb 7, 1994, vol 16, iss 6, pg. 44, 1 pg, printed from ProQuest as pages 1-2 under 35 U.S.C. §103(a).

Claims 20, 22-24, 48 and 50-54

The Examiner rejected claims 20, 22-24, 48 and 50-54 under 35 U.S.C. §103(a) as allegedly being unpatentable over Microsoft Corporation, copyright 1999, Microsoft Excel, referred as Excel, screenshots, pages 1-12 in view of Belzberg (US Pat No. 6,134,535).

Applicant respectfully contends that claims 20, 48, 53, and 54 are not unpatentable over “Excel, screenshots, pages 1-12” in view of Belzberg, because “Excel, screenshots, pages 1-12” in view of Belzberg does not teach or suggest every feature of claims 20, 48, 53, and 54.

As a first argument with respect to claims 20, 48, 53, and 54, Applicant respectfully contends that “Excel, screenshots, pages 1-12” does not teach or suggest the feature: “a main drawer D_0 that overlays a display screen, ...; and N additional drawers D_1, D_2, \dots, D_N in an overlay pattern $\{D_1, D_2, \dots, D_N\}$ relative to D_0 , wherein N is at least 2”, based on the same arguments presented *supra* in traversing the rejection of claims 1, 26, and 46-47 under 35 U.S.C. §102(b).

As a second argument with respect to claims 20, 48, 53, and 54, Applicant respectfully contends that “Excel, screenshots, pages 1-12” does not teach or suggest the feature: “wherein selection of button B_m causes the Search drawer to dynamically display S_m in spreadsheet format, and wherein m is one of 1, 2, ..., M ”, based on the same arguments presented *supra* in traversing the rejection of claims 1, 26, and 46-47 under 35 U.S.C. §102(b).

Based on the preceding arguments, Applicant respectfully maintains that claims 20, 48, 53, and 54 are not unpatentable over “Excel, screenshots, pages 1-12” in view of Belzberg and are in condition for allowance. Since claims 22-24 depend from claim 20, Applicant contends that claims 22-24 are likewise in condition for allowance. Since claims 50-52 depend from claim 48, Applicants contend that claims 50-52 are likewise in condition for allowance.

Claims 21 and 49

The Examiner rejected claims 21 and 49 under 35 U.S.C. §103(a) as allegedly being

unpatentable over Excel in view of Belzberg as applied to claim 48 above, and further in view of Business Editors & High Tech Writers, Belzberg Technologies Inc. Awarded US Patent for Spreadsheet Trading Technology, Business Wire, Oct 20, 2000, page 1, printed from ProQuest as pages 1-2.

Since claim 21 depends from claim 20, which Applicant has argued *supra* to not be unpatentable over “Excel, screenshots, pages 1-12” in view of Belzberg under 35 U.S.C. §103(a), Applicant maintains that claim 21 is likewise not unpatentable over “Excel, screenshots, pages 1-12” in view of Business Editors & High Tech Writers, Belzberg Technologies Inc. Awarded US Patent for Spreadsheet Trading Technology, Business Wire, Oct 20, 2000, page 1, printed from ProQuest as pages 1-2 under 35 U.S.C. §103(a).

Since claim 49 depends from claim 48, which Applicant has argued *supra* to not be unpatentable over “Excel, screenshots, pages 1-12” in view of Belzberg under 35 U.S.C. §103(a), Applicant maintains that claim 49 is likewise not unpatentable over “Excel, screenshots, pages 1-12” in view of Business Editors & High Tech Writers, Belzberg Technologies Inc. Awarded US Patent for Spreadsheet Trading Technology, Business Wire, Oct 20, 2000, page 1, printed from ProQuest as pages 1-2 under 35 U.S.C. §103(a).

Claims 9-12, 16 and 34-37

The Examiner rejected claims 9-12, 16 and 34-37 under 35 U.S.C. §103(a) as allegedly being unpatentable over Excel as applied to claims 1 and 26 above, and further in view of Khan et al. (US Pat. No. 6,157,934).

Since claims 9-12 and 16 depend from claim 1, which Applicant has argued *supra* to not

be unpatentable over “Excel, screenshots, pages 1-8” under 35 U.S.C. §102(b), Applicant maintains that claims 9-12 and 16 are likewise not unpatentable over “Excel, screenshots, pages 1-8” in view of Khan under 35 U.S.C. §103(a).

Since claims 34-37 depend from claim 26, which Applicant has argued *supra* to not be unpatentable over “Excel, screenshots, pages 1-8” under 35 U.S.C. §102(b), Applicant maintains that claims 34-37 are likewise not unpatentable over “Excel, screenshots, pages 1-8” in view of Khan under 35 U.S.C. §103(a).

Claims 55-56

The Examiner rejected claims 55-56 under 35 U.S.C. §103(a) as allegedly being unpatentable over Microsoft Corporation, copyright 1999, Microsoft Excel, referred as Excel, screenshots, pages 1-6 in view of Khan et al. (US Pat. No. 6,157,934).

Applicant respectfully contends that claims 55-56 are not unpatentable over “Excel, screenshots, pages 1-6” in view of Kahn, because “Excel, screenshots, pages 1-12” in view of Khan does not teach or suggest every feature of claims 55-56.

As a first argument with respect to claims 55-56, Applicant respectfully contends that “Excel, screenshots, pages 1-6” in view of Khan does not teach or suggest the feature: “a main drawer D_0 that overlays a display screen, ...; and N additional drawers D_1, D_2, \dots, D_N in an overlay pattern $\{D_1, D_2, \dots, D_N\}$ relative to D_0 , wherein N is at least 2”, based on the same arguments presented *supra* in traversing the rejection of claims 1, 26, and 46-47 under 35 U.S.C. §102(b).

As a second argument with respect to claims 55-56, Applicant respectfully contends that “Excel, screenshots, pages 1-12” in view of Khan does not teach or suggest the feature: “wherein

a first drawer of D_0, D_1, \dots, D_N is adapted to display content in response to selection of a button of a second drawer of D_0, D_1, \dots, D_N . (claim 55) and “displaying content on a second drawer of D_0, D_1, \dots, D_N in response to the selection of the button of the first drawer” (claim 56), based on the same arguments presented *supra* in traversing the rejection of claims 1, 26, and 46-47 under 35 U.S.C. §102(b).

Based on the preceding arguments, Applicant respectfully maintains that claims 55-56 are not unpatentable over “Excel, screenshots, pages 1-12” in view of Kahn and are in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

Date: 02/14/2005

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